

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JEFFREY LAYDON, on behalf of himself and all  
others similarly situated,

Plaintiff,

v.

MIZUHO BANK, LTD., THE BANK OF TOKYO-  
MITSUBISHI UFJ, LTD., THE SUMITOMO TRUST  
AND BANKING CO., LTD., THE NORINCHUKIN  
BANK, MITSUBISHI UFJ TRUST AND BANKING  
CORPORATION, SUMITOMO MITSUI BANKING  
CORPORATION, RESONA BANK, LTD., J.P.  
MORGAN CHASE & CO., J.P. MORGAN CHASE  
BANK, NATIONAL ASSOCIATION, J.P. MORGAN  
SECURITIES PLC, MIZUHO CORPORATE BANK,  
LTD., CHUO MITSUI TRUST & BANKING CO.  
LTD., DEUTSCHE BANK AG, MIZUHO TRUST  
AND BANKING CO., LTD., THE SHOKO CHUKIN  
BANK, LTD., SHINKIN CENTRAL BANK, UBS AG,  
UBS SECURITIES JAPAN LTD., THE BANK OF  
YOKOHAMA, LTD., SOCIETE GENERALE SA, THE  
ROYAL BANK OF SCOTLAND GROUP PLC,  
ROYAL BANK OF SCOTLAND PLC, BARCLAYS  
BANK PLC, CITIBANK, NA, CITIGROUP, INC.,  
CITIBANK, JAPAN LTD., CITIGROUP GLOBAL  
MARKETS JAPAN, INC., COOPERATIEVE  
CENTRALE RAIFFEISEN-BOERENLEENBANK  
B.A., HSBC HOLDINGS PLC, HSBC BANK PLC,;  
ICAP PLC, R.P. MARTIN HOLDINGS LIMITED  
AND JOHN DOE NOS. 1-50,

Defendants.

Case No. 12-cv-3419 (GBD)

ECF Case

**JOINDER IN REPLY IN FURTHER SUPPORT OF MOTION FOR  
RECONSIDERATION OR REARGUMENT**

The undersigned defendants respectfully join in the arguments contained in the Reply that  
has been filed by HSBC in further support of its motion for reconsideration of the portion of the

Court's March 28, 2014 Memorandum Decision and Order denying Defendants' motion to dismiss Plaintiff's Commodity Exchange Act ("CEA") claims.

HSBC's Reply was filed earlier today by ECF as Docket Entry 293. HSBC points out that the Court must assess the sufficiency of the factual allegations pleaded against *each individual defendant* with respect to the causation and scienter elements of Plaintiff's CEA claims. That argument applies to the undersigned defendants as well. In addition, the allegations of misconduct by the undersigned defendants—like the allegations pertaining to HSBC—fail to coincide with Plaintiff's limited participation in the Euroyen futures market. As explained in our previous Joinder filing (Docket Entry 281), the alleged wrongful conduct Plaintiff seeks to attribute to Citibank, Deutsche Bank, and JPMorgan post-dates Plaintiff's participation in the market in the summer of 2006 and thus could not have caused Plaintiff's purported injuries.<sup>1</sup>

For these reasons and the reasons explained in HSBC's submissions, the Court should reconsider its determination concerning the sufficiency of Plaintiff's CEA claims and should dismiss those claims with prejudice.

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<sup>1</sup> Plaintiff's opposition brief refers to a criminal complaint filed in the UK against Thomas Hayes of UBS, which alleges that Hayes "conspir[ed] with" JP Morgan Chase & Co. and Deutsche Bank AG (among others) between August 8, 2006 and December 3, 2009. (Opp. at 7.) But, as noted in the main brief, even during that period any such conduct was episodic, and as HSBC's Reply notes, Plaintiff's Complaint and opposition brief are silent about when (if at all) Plaintiff traded during this period, even though that information is readily available to him, and the Complaint otherwise does not allege any relevant conduct on the part of the undersigned defendants during the period in which he traded.

Dated: May 30, 2014

Respectfully submitted,

/s/ Andrew A. Ruffino

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\* Consent for Signature Obtained

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